

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

EDWARDS LIFESCIENCES AG and)	
EDWARDS LIFESCIENCES LLC,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 08-91 (GMS)
)	
COREVALVE, INC. and)	
MEDTRONIC COREVALVE LLC,)	
)	
Defendants.)	

DECLARATION OF AIMEE WEISNER

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May 19, 2014
8251556.1

2014-1409

**United States Court of Appeals
For the Federal Circuit**

EDWARDS LIFESCIENCES AG and

EDWARDS LIFESCIENCES LLC,

Plaintiffs-Appellees,

v.

COREVALVE, INC. and

MEDTRONIC COREVALVE, LLC,

Defendants-Appellants,

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE
IN CASE NO. 08-CV-0091, CHIEF JUDGE GREGORY M. SLEET

**SUPPLEMENTAL DECLARATION OF AIMEE WEISNER IN
SUPPORT OF PLAINTIFFS-APPELLEES' SUR-REPLY TO
DEFENDANTS-APPELLANTS' MOTION TO STAY
PRELIMINARY INJUNCTION**

I, Aimee Weisner, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I serve as Corporate Vice President, General Counsel for Edwards Lifesciences LLC (“Edwards”). I submit this Supplemental Declaration in support of Plaintiffs-Appellees’ Sur-Reply to Defendants-Appellants’ Motion to Stay Preliminary Injunction. Unless stated otherwise, the facts stated herein are of my own personal knowledge, and if called as a witness I could competently testify thereto.

2. On April 17, 2014, I emailed Medtronic attorney Steve Froehle to inform him that Edwards had simplified the certification form and had adopted “the standard of care that you suggested.” D.I. 22 (Froehle Decl.), Ex. 6 at 2-3.

3. Mr. Froehle replied to my email on April 17, 2014, stating “I am fine with the form, thank you.” D.I. 22 (Froehle Decl.), Ex. 6 at 2.

4. The agreed physician certification form is attached hereto as Exhibit 1.

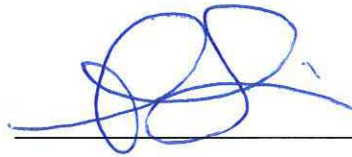
5. The agreed certification form was negotiated to facilitate a procedure for a particular patient, but I understood that it would apply for all future cases.

6. I emailed Mr. Froehle on April 18, 2014 to confirm that: “With respect to the ‘medical necessity’ issue, we have agreed to your proposed

standard (per my email to you of yesterday morning). Thus, I believe we have also reached resolution on this point.”

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 18, 2014.



Aimee Weisner

EXHIBIT 1

Physician Certification Regarding Medical Judgment Decision to use the CoreValve Transcatheter Aortic Valve

A federal court has ruled that the CoreValve® System for transcatheter aortic heart valve implantation owned by Medtronic infringes a U.S. patent. An injunction prohibits the sale of the CoreValve TAVI in the United States for commercial purposes except under certain circumstances, including cases certified with this form.

By signing below, I am certifying in advance of patient treatment as follows:

- 1) I am the treating physician of a patient who, in my clinical judgment, after considering all alternative treatments and available transcatheter valves, is best served by receiving a CoreValve TAVI. ("Qualifying Patient") and I am making this certification for purposes of obtaining a CoreValve TAVI which will be used to treat the Qualifying Patient.
- 2) I will maintain a written record of the CoreValve TAVI serial number implanted in the Qualifying Patient. This form must be returned to Medtronic.

Print Name of Implanting Doctor

Signature of Implanting Doctor

Date of signature

CoreValve serial number:_____

CERTIFICATE OF SERVICE

I hereby certify that on May 19, 2014 electronically filed the foregoing with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on May 19, 2014 upon the following in the manner indicated:

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/s/ Jack B. Blumenfeld

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